

MINUTES CITY OF NORTH LAS VEGAS PLANNING COMMISSION

Nelson Stone, Chairman
Marilyn Kirkpatrick
Dean Leavitt
Laura E. Perkins

2200 Civic Center Drive
North Las Vegas, NV 89030
(702) 633-1516
(702) 649-6091

Tom Langford, Vice Chairman
Anita Wood
Harry Shull

November 8, 2000

CALL TO ORDER:

Council Chambers, North Las Vegas City Hall
2200 Civic Center Drive, at 7:00 p.m.

ROLL CALL:

Dean Leavitt - Present
Harry Shull - Absent
Marilyn Kirkpatrick - Present
Laura Perkins - Present
Tom Langford - Present
Nelson Stone - Present
Anita Wood - Present

STAFF PRESENT:

Tom Bell, Development Services Director
Steve Baxter, Planning Manager
Marc Jordan, Senior Planner
Bob Hoyes, Associate Planner
Steve Casmus, Public Works
Madeleine Jabbour, Transportation Services
Jim Stubler, Fire Department
Jim Lewis, Deputy City Attorney
Ted Karant, Recording Secretary

PLEDGE OF ALLEGIANCE:

Commissioner Laura Perkins

ANNOUNCEMENTS:

Verification of compliance with NRS 241, Open Meeting Law.

Recording Secretary Karant verified that the Open Meeting Law requirements (NRS 241) had been met.

The North Las Vegas Conference Room and Council Chambers are accessible to handicapped persons. A certified sign language interpreter is available upon advance request.

MINUTES

Approval of the MINUTES for the Planning Commission meeting of October 25, 2000.

Commissioner Tom Langford MOVED and Commissioner Anita Wood SECONDED to APPROVE the minutes of the October 25, 2000 Planning Commission Meeting.

The motion carried by UNANIMOUS vote.

CONSENT AGENDA

1) PW-136-00 (3168) TRIDENT INDUSTRIAL PARK

Approve the Final Map and the Subdivision Off-Site Improvements Agreement by Trident Homes of Nevada, Inc. and accept the Subdivision Bond in the amount of \$186,589.98.

2) PW-137-00 (3169) TEXAS STATION/ALLEN LANE IMPROVEMENTS

Accept the off-site improvements for maintenance and advise the Director of Public Works to notify Amwest Surety Insurance Company to release the Offsite Bond in the amount of \$46,876.00.

3) PW-138-00 (3170) TIERRA DE LAS PALMAS VILLAGE 5, UNIT 1

Accept the off-site improvements for maintenance and advise the Director of Public Works to notify American Motorists Insurance Company to release the Subdivision Bond in the amount of \$328,591.95.

4) PW-139-00 (3171) TIERRA DE LAS PALMAS VILLAGE 5, UNIT 2

Accept the off-site improvements for maintenance and advise the Director of Public Works to notify American Motorists Insurance Company to release the Subdivision Bond in the amount of \$278,287.90.

Commissioner Anita Wood MOVED and Commissioner Dean Leavitt SECONDED to APPROVE Consent Agenda Items #1 through #4.

The motion carried by UNANIMOUS vote.

NEW BUSINESS

5) PETITION FOR ESTABLISHMENT OF A GAMING ENTERPRISE DISTRICT

(Public Hearing)

An application submitted by Stimson Enterprises, Inc., property owner, for a gaming enterprise district. The property is generally located at the northwest corner of Craig Road and Commerce Street, legally described as being a portion of the Northwest Quarter (NW1/4) of Section 3, Township 20 South, Range 61 East, M.D.M. A complete legal description is on file with the Development Services Department.

ANALYSIS:

The subject site is not located within a gaming enterprise district. Therefore, the applicant is requesting approval of a gaming enterprise district. According to NRS 463.3086, which has been listed below, an application to establish a gaming enterprise district, the petitioner must prove the following:

- ▶ If the location of a proposed establishment:
 - ▶ Is not within the Las Vegas Boulevard gaming corridor or the rural Clark County gaming zone; and
 - ▶ Is not within a gaming enterprise district, the commission shall not approve a nonrestricted license for the establishment unless the location of the establishment is designated a gaming enterprise district pursuant to this section.
- ▶ If a person is proposing to operate an establishment with a nonrestricted license and the location of the proposed establishment:
 - ▶ Is not within the Las Vegas Boulevard gaming corridor or the rural Clark County gaming zone; and
 - ▶ Is not within a gaming enterprise district, the person may petition the county, city or town having jurisdiction over the location of the proposed establishment to designate the location of the proposed establishment a gaming enterprise district pursuant to this section.
- ▶ If a person files a petition pursuant to subsection 2, the county, city or town shall, at least 10 days before the date of the hearing on the petition, mail a notice of the hearing to:
 - ▶ Each owner of real property whose property line is less than 2,500 feet from the property line of the proposed establishment;
 - ▶ Each tenant of a mobile home park whose property line is less than 2,500 feet from the property line of the proposed establishment; and
 - ▶ Any advisory board that represents one or more owners of real property or tenants of a mobile home park whose property line is less than 2,500 feet from the property line of the proposed establishment. The notice must be written in language that is easy to understand and must set forth the date, time, place and purpose of the hearing and contain a physical description or map of the location of the proposed establishment. The petitioner shall pay the costs of providing the notice that is required by this subsection.

- ▶ Any interested person is entitled to be heard at the hearing on the petition.
- ▶ The county, city or town shall cause the hearing on the petition to be reported by a court reporter who is certified pursuant to chapter 656 of NRS. The petitioner shall pay the costs of having the hearing reported.
- ▶ At the hearing, the petitioner must prove by clear and convincing evidence that:
 - ▶ The roads, water, sanitation, utilities and related services to the location are adequate;
 - ▶ The proposed establishment will not unduly impact public services, consumption of natural resources and the quality of life enjoyed by residents of the surrounding neighborhoods;
 - ▶ The proposed establishment will enhance, expand and stabilize employment and the local economy;
 - ▶ The proposed establishment will be located in an area planned or zoned for that purpose pursuant to NRS 278.010 to 278.630, inclusive;
 - ▶ The proposed establishment will not be detrimental to the health, safety or general welfare of the community or be incompatible with the surrounding area;
 - ▶ On the date that the petition was filed, the property line of the proposed establishment was not less than:
 - ▶ Five hundred feet from the property line of a developed residential district; and
 - ▶ Fifteen hundred feet from the property line of a public school, private school or structure used primarily for religious services or worship; and
 - ▶ The proposed establishment will not adversely affect:
 - ▶ A developed residential district; or
 - ▶ A public school, private school or structure used primarily for religious services, whose property line is within 2,500 feet from the property line of the proposed establishment.
- ▶ A three-fourths vote of the governing body of the county, city or town is required to grant the petition to designate the location of the proposed establishment a gaming enterprise district pursuant to this section.
- ▶ A county, city or town that denies a petition submitted pursuant to this section shall not consider another petition concerning the same location or any portion thereof for 1 year after the date of the denial.
- ▶ As used in this section:
 - ▶ “Developed residential district” means a parcel of land zoned primarily for residential use in which at least one completed residential unit has been constructed on the date that the petitioner files a petition pursuant to this section.

- ▶ “Private school” has the meaning ascribed to it in NRS 394.103.
- ▶ “Public school” has the meaning ascribed to it in NRS 385.007.

The subject site currently contains a single family dwelling unit, but is zoned C-2 General Commercial. Likewise, there are four single family residential developments within the immediate area. To the north there is a single family dwelling unit located on the golf course and the Fairway Villas residential complex. To the south there is the Craig/Revere 80 (Gold Crest II) and the Village at Craig Ranch residential subdivisions. Because of the proposed commercial developments at the corners of the subject site, it appears that there would not be any developed residential areas within 500 feet of the proposed casino property lines.

Approximately 1,284 property owners were notified of the petition to establish a gaming enterprise district and the use permit for the casino. In addition, approximately 17 homeowners associations, advisory boards or other type of associations that may or may not represent a group of home owners were also notified.

It should be noted that the petitioner is required to prove that the proposed gaming enterprise district would comply with the requirements outlined above, and would also have a positive affect and not adversely affect the City and the surrounding community, including any schools or churches within 2,500 feet and would also not be incompatible with the surrounding area. The only school within 2,500 feet would be the Paul Elizondo Jr. Elementary School.

RECOMMENDATION:

If the Planning Commission finds that approval of the gaming enterprise district is warranted based upon the evidence presented by the petitioner, then the Development Services Department recommends that the petition for a gaming enterprise district be approved and that this item be forwarded to the City Council for final consideration.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff in conjunction with the use permit application for the casino UN-63-00. Mr. Jordan indicated that the applicant is required to present evidence to the governing body that would support approval of this item. He stated that staff recommends approval of this item as long as the applicant fulfills this requirement.

Bill Curran, of Curran & Parry, 601 S. Rancho Drive, Las Vegas, Nevada, appeared on behalf of applicant who concurred with staff to continue the item.

Chairman Nelson Stone opened the Public Hearing. The following participants came forward:

- ▶ Janet Webb, 5309 Daywood Street, North Las Vegas, Nevada, 89031

Janet Webb stated that she opposes the project as she believes that it is not wise to place a casino close to a school.

- ▶ Deborah Lewis, 4010 Hemphill Street, North Las Vegas, Nevada.

Deborah Lewis stated that she is a part of a neighborhood group called Neighbors Against Gaming, and has gathered over 400 signatures from residents who oppose the project.

- ▶ Eddie Schmitz, 27 Pinnacle Hill, North Las Vegas, Nevada, 89032.

Eddit Schmitz stated that he agrees with Debarah Lewis and opposes the project. Mr. Schmitz does not feel this casino would best meet the needs of the community.

- ▶ Cheryl Davis, 4214 Union Hill Court, North Las Vegas, Nevada 89032.

Cheryl Davis stated that she opposes the project. She stated that she does not want to see a casino in her neighborhood.

- ▶ Tracie Cloward, 19 Calm Winds Court, North Las Vegas, Nevada 89031.

Tracie Cloward stated that she came to the Planning Commission meeting to learn more about this project. She further stated that she is concerned about a casino being placed close to schools in the area.

- ▶ John Leeper, 541 Craig Creek Avenue, North Las Vegas, Nevada.

Mr. Leeper stated that he opposes the project. He stated that when he purchased his home, the area was not zoned for gaming and now he does not want a casino in the neighborhood. He is concerned about the value of his property if a casino is allowed in the neighborhood.

- ▶ Gail Tominac, 533 Craig Creek Avenue, North Las Vegas, Nevada.

Gail Tominac stated that she opposes the project. She is wondered if this project could be built at another location, and not in her neighborhood.

- ▶ Linda Burks, 4210 Inglewood Street, North Las Vegas, Nevada.

Linda Burks stated that she opposes this project as she feels a casino in the neighborhood will reduce the value of her property.

- ▶ Meric Demirbas, 438 Rancho Del Norte Drive, North Las Vegas, Nevada 89031.

Mr. Demirbas stated that he opposes the project. He originally moved into the neighborhood believing that there would not be any casinos in the neighborhood. He is concerned about the increased traffic if a casino is allowed, and the overall impact on the neighborhood.

Chairman Nelson Stone stated that he will leave open the Public Hearing since this item will be continued.

Commissioner Tom Langford stated that he agrees with the concerns of these residents and supports their wishes regarding this project.

Commissioner Anita Wood asked staff what the required landscaping is along Commerce.

Marc Jordan, Senior Planner, stated that casinos are currently exempt from the Commercial Design Standards, however staff is recommending that there be twenty (20) feet of landscaping provided next to Commerce.

Commissioner Wood inquired about indication of future expansion on the map for this project.

Marc Jordan stated that possible future expansion proposals appear on the site plan.

Commissioner Wood stated that an impact study will be required addressing police, traffic, buffering, and all will need to be submitted in writing and presented to the Planning Commission when the Overlay District and use permit come before the Planning Commission for a hearing.

Bill Curran, appearing on behalf of applicant, addressed questions from the public participants.

He stated that Craig Road already is heavily commercialized as it is a 120-foot street that is a major east/west arterial running the entire length of the City.

Mr. Curran stated that a traffic study needs to be, and will be done.

With regards to flood control, Mr. Curran stated that flood control issues will be addresses on this property.

Commissioner Wood asked the applicant how many stories this property would be and how much time the project would take.

Mr. Curran stated that the property will be limited to sixty (60) feet, five (5) stories. In regards to time, Mr. Curran stated that he believes that the property would not open for business for at least two (2) years.

Richard Haskins, Vice President and Associate General Council for Station Casinos, 2411 W. Sahara Avenue, Las Vegas, Nevada, appeared on behalf of applicant who stated that they anticipate, if the project is approved, the would break ground within twenty-four (24) months.

Commissioner Tom Langford MOVED and Commissioner Dean Leavitt SECONDED to CONTINUE the PETITION FOR ESTABLISHMENT OF A GAMING ENTERPRISE DISTRICT per applicant's request.

The item is CONTINUED to 12/13/00.

6) UN-63-00 (2157) CRAIG ROAD DEVELOPMENT (Public Hearing)

An application submitted by Stimson Enterprises, Inc., property owner, for a use permit in a C-2 General Commercial District to allow a casino. The property is generally located at the northwest corner of Craig Road and Commerce Street, legally described as being a portion of the Northwest Quarter (NW 1/4) of Section 3, Township 20 South, Range 61 East, M.D.M. A complete legal description is on file with the Development Services Department.

ANALYSIS:

The proposed site plan shows enough detail to provide a clear picture of how the site is proposed to be developed. However, according to the site plan, approximately 10 feet of landscaping is proposed next to Commerce Street, whereas staff recommends 20 feet. Likewise, landscaping is not proposed within the parking area labeled for future casino expansion or north of the movie theaters. Staff recommends that landscaping be provided within these areas until such time that expansion is proposed. These changes would require minor modifications to the site plan. In addition, landscaped islands are not proposed along the perimeter of the parking lot or next to the building. Staff recommends that additional landscaped islands be placed in these areas for every 15 parking spaces contained in a row.

The applicant has submitted a drawing for the south building elevation only. Typically, elevations for all sides of the building are submitted for review and approval, showing that all sides are consistent in using the same architectural theme.

Staff recommends that prior to obtaining a building permit for the casino, that the applicant return to the Planning Commission with a final development plan (standard condition number 9) which provides more information regarding additional landscaping for the site, building elevations and floor plans.

According to Senate Bill 191, a person who proposes to develop a project of significant impact must submit an impact statement at least 15 days prior to final action of the proposed development. Projects of significant impact refer to projects that consist of the following:

- ▶ Final maps of planned unit developments of 500 units or more;
- ▶ Tourist accommodations of 300 units or more;
- ▶ A commercial or industrial facility generating more than 3,000 average daily vehicle trips;
or
- ▶ A nonresidential development encompassing more than 160 acres.

The applicant or representative, Mr. Shawn Lampman has been informed of this requirement. He has been advised that if the proposed development did not fall within the SB 191 category, to provide a letter with the appropriate information verifying so. Otherwise, an impact statement would be required. At the time of writing this report, a letter or impact statement has not been submitted. If an impact statement is required and not submitted, staff's recommendation would be for an indefinite continuance to allow the applicant time to submit an impact statement. However, should the applicant submit a letter describing why an impact statement is not required, and staff agrees, then staff would not recommend continuance.

The use permit is also dependent upon approval of the petition to establish a gaming enterprise district for the subject site. Should the petition be approved, staff's recommendation of the use permit is for approval. Otherwise, staff would have no other alternative but to recommend denial.

RECOMMENDATION:

If the petition for a gaming enterprise district is approved by the Planning Commission and an impact statement supporting the proposed use is submitted or is not required, then the Development Services Department recommends UN-63-00 be approved subject to the following conditions:

1. Standard condition numbers: 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 15, 26, 27 and 29.
2. The applicant shall receive City Council approval of the petition for the gaming enterprise district. Otherwise the use permit shall be null and void.
3. Building elevations shall substantially conform to the building elevations submitted with the use permit.
4. All rooftop equipment shall be screened from view by a parapet wall integral to the design and construction of the building.
5. A minimum 20 foot wide landscape area shall be provided adjacent to Craig Road and Commerce Street. The landscape area shall incorporate a three-foot high barrier in the form of a berm or wall or a combination thereof.
6. Landscaping, including all planter areas, shall be provided as shown on the site plan. Additional landscaping shall also be provided within the portion of the parking lot west and north of the casino similar to the landscaping shown on the site plan for the parking lot to the east and south, and landscaped islands shall be provided along the perimeter and next to the building for every 15 parking spaces contained in a row.
7. All loading zones and/or trash storage areas shall be screened from adjacent public rights-of-way.
8. A separate entrance into the movie theaters shall be provided which does not require access through the casino.
9. A photometric lighting plan shall be submitted to planning staff for review and approval prior to the issuance of a building permit. The plan shall be prepared by a licensed electrical engineer and shall show the light intensity in foot-candles on a 10-foot grid and the location of proposed structures, parking areas, drive aisles, and pedestrian walkways. The minimum light intensity for all vehicle and pedestrian traffic areas, including the parking structure, shall average 1.0 foot-candles, with a maximum ratio of 10:1. Parking lot lighting shall be installed prior to the issuance of a certificate of occupancy. Light standards shall not exceed more than 20 feet in height.
10. Freestanding signage shall be limited to one pylon sign at the main entrance adjacent to Craig Road. The height of the sign shall not exceed 60 feet. All other freestanding signs shall be limited to monument signs no greater than six feet in height.
11. That the applicant shall be required to file FAA form 7460-1, "Notice of Proposed Construction or Alteration" with the FAA, and may, depending upon the FAA's determination, also be required to obtain a permit from the Clark County Director of Aviation or a Variance from the Airport Hazard Areas Board of Adjustment, prior to construction.
12. Fiber optic conduit must be provided on Craig Road.
13. The driveways on Craig Road are restricted to right in, right out movements except at median openings.

14. NDOT review and approval of the traffic study is required.

15. An encroachment permit from NDOT is required for work performed in Craig Road.

Commissioner Laura Perkins MOVED and Commissioner Dean Leavitt SECONDED to CONTINUE UN-63-00 per staff's recommendations.

Item #5 was discussed together with this item.

The item is CONTINUED to 12/13/00.

7) VAC-19-00 (2844) JACKSON ESTATES (Public Hearing)

An application submitted by Dwyer Engineering on behalf of Hammer Development, LLC, property owner, for a vacation of the westerly ten (10) feet of Allen Lane between Hammer Lane and Fisher Lane and a vacation of the northerly nine (9) feet of Fisher Lane between Allen Lane and Willis Street. The Assessor's parcel Numbers are 124-31-603-001 through 124-31-603-006.

ANALYSIS:

According to the Master Plan of Streets and Highways, Allen Lane is shown as an 80-foot right-of-way. Currently, the half street portion of Allen Lane abutting the applicant's property is 50 feet in width. This 10-foot portion of Allen Lane is no longer needed.

The half street portion of Fisher Lane abutting the applicant's property is 30 feet in width. Fisher Lane is not shown on the Mater Plan of Streets and Highways. The proposed vacation of the northerly 9 feet would turn Fisher Lane into a 51-foot right-of-way.

RECOMMENDATION:

The Development Services Department recommends that VAC-19-00 be approved and that this item be forwarded to City Council for final consideration.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff, who stated staff is recommending approval of this vacation.

David Dwyer, 7310 Smoke Ranch Road, Suite E, Las Vegas, Nevada, 89128 appeared on behalf of applicant, who stated he concurs with staff.

Chairman Nelson Stone opened the Public Hearing. No participants came forward. The Public Hearing was closed.

Commissioner Tom Langford MOVED and Commissioner Dean Leavitt SECONDED to APPROVE VAC-19-00 per staff's recommendations.

The motion carried by UNANIMOUS vote.

There was a break in the proceedings at 8:12 p.m.
The meeting reconvened at 8:20 p.m.

8) T-857 (2843) JACKSON ESTATES

An application submitted by Dwyer Engineering on behalf of Hammer Development, LLC, property owner, for a tentative map review in an R-E Ranch Estates District. The property is generally located at the southwest corner of Hammer Lane and Allen Lane. The Assessor's Parcel Numbers are 124-31-603-001 through 124-31-603-006.

ANALYSIS:

Should the vacation of Fisher Lane not be approved, it appears that all the lots fronting Fisher Lane would still comply with the minimum lot size requirement of 15,000 square feet if this area was subtracted from the lot area as shown on the proposed tentative map.

The proposed tentative map does not show that landscaping would be provided next to Willis Street or Allen Lane. According to the single family design standards, a minimum 15 feet of landscaping (which may include sidewalks) is required next to these rights-of-way. According to the proposed tentative map, it appears that the appropriate common elements for the purpose of providing landscaping in accordance with the single family design standards could be created without reducing the minimum lot size requirement of 15,000 square feet for the lots adjacent to Willis Street and Allen Lane.

RECOMMENDATION:

The Development Services Department recommends that T-857 be approved subject to the following conditions:

1. Standard conditions: 2, 3, 4, 7, 11, 15, 26, 27, 29, 31 and 32.
2. The developer shall comply with the single family design standards, including, but not limited to the following item: The developer shall provide 15 feet of perimeter landscaping (which may include the sidewalk) next to Allen Lane and Willis Street.
3. The street sections shown on the tentative map do not conform to the Uniform Standard Drawings listed. Show the correct street sections.
4. The final map must be labeled as a merger and resubdivision map.
5. Fiber optic conduit is required along the Allen Lane frontage.
6. Full off-site improvements are required on Fisher Lane and Internet Avenue.
7. The driveway number and location are subject to review and approval by the City of North Las Vegas Traffic Engineer.
8. The Master Plan of Streets and Highways shows that Allen Lane is an 80-foot right-of-way street and Hammer Lane and Willis Streets are 60-foot right-of-way streets.
9. The developer must provide a 10-foot common area over the 10-foot Nevada Power easement. If landscaping is to be provided within the easement, it must be maintained by a homeowners association.
10. Installation of fire sprinklers for fire suppression is required in each residential unit, unless the applicant provides a suitable alternative acceptable to the City prior to recording of the final map.
11. Two copies of a revised tentative map incorporating the conditions of approval shall be submitted for review to the Public Works Department and the Planning Division prior to submittal of the final map.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff, who indicated staff is recommending approval subject to changes.

David Dwyer, 7310 Smoke Ranch Road, Suite E, Las Vegas, Nevada, 89128 appeared on behalf of applicant, who stated he concurs with staff, except for Condition #9.

Chairman Nelson Stone stated this is not a Public Hearing, however there was a member of the public who wished to speak on the item. The following participant came forward:

- ▶ Jim Shinost, 3924 Washburn, North Las Vegas, Nevada 89031.

Mr. Shinost thanked the Planning Commission for not making the area R-1.

Commissioner Anita Wood stated that she is concerned with Internet Street being straight instead of curvilinear and how it affects traffic.

Mr. Dwyer stated that Internet Avenue is a straight Street, is approved in rural preservation area, and will be 28 feet wide, therefore it will not be a major thoroughfare.

Commissioner Marilyn Kirkpatrick asked the applicant what his time frame was for the project. She also inquired about Condition #9 and who is responsible for approving another method if there is no homeowners association.

Mr. Dwyer stated that he expects to break ground in four (4) months.

Marc Jordan stated that when the applicant comes in for final map they would have to show 10 feet of landscaping along the street as well as show proof that it will be maintained. If the applicant could not do so, then a homeowners association would be required.

Commissioner Anita Wood stated that she is concerned about Internet Street as the Planning Commission has made curvilinear streets a priority and if the Planning Commission were to deviate from curvilinear that there be documentation stating the reason.

Steve Baxter, Planning Manager, stated that the reason for deviation from curvilinear on Internet Avenue is that since there is more space between houses you do not have the same aesthetic concerns as is in more tightly packed developments.

Commissioner Dean Leavitt MOVED and Commissioner Anita Wood SECONDED to APPROVE T-857 per staff's recommendations subject to the following changes:

Condition #1 Amended to Delete #32 (Standard Condition).

Condition #3, 7, and 8 deleted.

Condition #9 Changed to Read: "The developer must provide a 10-foot common area over the 10-foot Nevada Power easement. If landscaping is to be provided within the easement, it must be maintained by a homeowners association, or another method as approved by the City."

Condition #12 Added to Read: "Internet Avenue must be constructed to a 28 foot width in accordance with the Uniform Standard Drawing, #209."

The motion carried by UNANIMOUS vote.

9) UN-84-00 (2797) SOPHIA’S PIZZA & SANDWICH SHOP (Public Hearing)

An application submitted by Faith O’Kelley on behalf of Andy Miller, property owner, for a use permit in an M-2 General Industrial District to allow a sandwich shop. The property is located at 2040 E. Craig Road. The Assessor’s Parcel Number is 139-02-613-016.

ANALYSIS:

The proposed use, identified as a “convenience food restaurant” in the Zoning Ordinance, is permitted as a special use in M-2 zoning districts. Other than the PUD zoning to the west, this site is encompassed by M-2 zoning. The Comprehensive Plan Land Use Map identifies this parcel as Light Industrial.

Access to this site would be from either Craig Road or Lawrence Street.

The proposed use will not have a drive-through lane. It is intended that customers will walk into the establishment and either eat inside or carry-out their orders.

The submitted floor plan identifies approximately 460 square feet of interior public floor area. Based on the standards in the Zoning Ordinance, the proposed use is required to provide a minimum of one parking space per 50 square feet of public floor area, which equals nine (9). The submitted site plan provides 54 parking spaces for the entire site. The auto service facilities require a minimum of 23 parking spaces. Therefore, the overall site currently has 22 parking spaces in excess of what is required.

In accordance with the Zoning Ordinance, the Planning Commission may, by motion, grant a special use permit if the Planning Commission finds, from the evidence presented, that all of the following facts exist:

1. That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or the community; and
2. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity; and
3. That the proposed use will comply with the regulations and conditions specified in this code for such use; and
4. That the granting of this special use permit will not adversely affect the master plan of the City.

The primary issue before the Planning Commission is whether or not a convenience food restaurant (without a drive-through service window) is an appropriate use at this location.

RECOMMENDATION:

The Development Services Department recommends that UN-84-00 be approved subject to the following conditions:

1. That Standard Conditions 4, 8, 10, 11, 12, 14 and 27 apply; and
2. That the development of this site be in compliance with all applicable conditions of UN-17-00; and
3. That signage for Sophia’s Pizza and Sandwich Shop be in compliance with the commercial sign requirements outlined in the Zoning Ordinance; and

4. That all conditions of the approved traffic study be met.

The application was presented by Bob Hoyes, Associate Planner, on behalf of staff, who indicated that staff is recommending approval of the item.

Carmine Barra, 2701 Crimson Canyon Road, Las Vegas, Nevada, appeared on behalf of the applicant, who stated he concurs with staff's recommendations.

Chairman Nelson Stone opened the Public Hearing. No participants came forward. The Public Hearing was closed.

Commissioner Anita Wood stated that the Planning Commission has made a precedent in the past regarding convenience stores, restaurants, delis, sandwich shops, and business of the like, although they are commercial uses, are in fact supporting the workers in the industrial area and therefore are an exception to the "no commerce/no commercial in industrial areas" rule, therefore she recommends approval of the item.

Commissioner Anita Wood MOVED and Commissioner Marilyn Kirkpatrick SECONDED to APPROVE UN-84-00 per staff's recommendations.

The motion carried by UNANIMOUS vote.

10) ZN-68-98 (2839) EL CAMPO GRANDE COMMUNITY (Public Hearing)

An application submitted by Tevel Land Development, LLC, on behalf of El Campomateo, LLC, property owner, for an extension of time on the reclassification of property from an R-1 Single-Family Residential District to an R-3 Multi-Family Residential District. The property is located approximately 300 feet east of San Mateo Street and south of El Campo Grande. The Assessor's Parcel Number is 124-30-401-005.

ANALYSIS:

As a condition of approval, the resolution of intent requires that a final development plan be submitted for review and approval by the Planning Commission. In the letter of intent, the applicant has stated that when the final development plan is submitted, the site will be redesigned to conform with the current Multi Family Design Standards. The applicant is estimating a time frame of 18 to 24 months for construction.

The Comprehensive Plan land use designation for the subject site and the surrounding area is High Density Residential which would support R-3 zoning, however, the City of North Las Vegas has an active application on file for an Amendment to the Comprehensive Plan (AMP-15-00) to change the current designation of High Density Residential to Medium Density Residential, which includes the property in question. The Planning Commission, at their meeting of September 27, 2000, indicated that AMP-15-00 required further review before any recommendation was to be considered and requested that the item be continued indefinitely. Therefore, staff recommends that the extension of time for ZN-68-98 be continued indefinitely, until AMP-15-00 proceeds to the City Council for final consideration.

Recommendation:

The Development Services Department recommends that the request for an extension of time for ZN-68-98 be continued until such time that a decision is made regarding AMP-15-00.

The application was presented by Bob Hoyes, Associate Planner, on behalf of staff, who stated that staff recommends this item be continued to 12/13/00 so that it may be heard along with AMP-15-00, as they are related.

George Garcia, 2501 Green Valley Parkway Suite 108, Henderson, Nevada, appeared on behalf of applicant, who stated he concurs with staff to continue the item.

Chairman Nelson Stone opened the Public Hearing. No participants came forward. The Public Hearing was closed.

Commissioner Anita Wood stated that staff is recommending to extend this item to 12/13/00 so that it may be heard with AMP-15-00.

Mr. Garcia stated that he has no problem with extending the item to 12/13/00.

Commissioner Anita Wood MOVED and Commissioner Dean Leavitt SECONDED to CONTINUE ZN-68-98 to 12/13/00 per staff's recommendations.

The motion carried by UNANIMOUS vote.

The item CONTINUED to 12/13/00.

11) VAC-18-00 (2819) CAMINO AL NORTE & WASHBURN (Public Hearing)

An application submitted by Tiberti/Blood on behalf of Charles Ruthe, Trustee, Ronald Ruthe, Trustee, Robert Raines, Stephen Shearing, Trustee, and Tessie Landaz, et. al., property owners, for a vacation of approximately 660 feet of the street right-of-way along the east property line and approximately 647 feet of the street right-of-way along the south property line of Parcel Number 124-33-601-001. The property is located approximately 1,320 feet west of Camino Al Norte and south of Hammer Lane. The Assessor's Parcel Numbers are 124-33-601-002, 124-33-601-004, 124-33-601-006, 124-33-601-007, 124-33-601-008.

ANALYSIS:

The street portion of Concord Street abutting the applicant's property is 30 feet in width and the unnamed street abutting the applicant's property is 24 feet in width.

Concord Street and the unnamed street are not shown on the Mater Plan of Streets and Highways.

The Department of Public Works recommends denial of this vacation for the following reasons:

1. If the City would recommend approval, that recommendation would be contrary to NRS.278.480-6, which prohibits the land-locking of parcels fronting that street. Parcels 124-33-601-008 and 124-33-601-006 would be land-locked if the east-west no name street and/or the Concord Street alignment are vacated.
2. There are now existing utilities in the Concord Street alignment north of the Channel. This street could become a utility corridor, depending on how the adjoining parcels are developed.
3. The Concord Street alignment north of the Channel will provide vehicular access from the adjacent parcels to Camino Al Norte via Washburn Road on the east and to Hammer Lane via the Concord Street alignment on the north. This is a vital traffic corridor needed for increasing traffic in that area. The east-west no name street will provide access to the Concord Street alignment for the parcels south of that street.
4. The City will ask for the dedication of the west half of the Concord Street alignment and east-west no name street to comply with Municipal Code Title 16.20.040-I, which states: "Whenever an existing subdivision or dedication has provided a dedicated half street or alley on an adjoining property, the other half shall be dedicated on the proposed plat to make the street or alley of the full width."
5. The City will ask for the full dedication and construction of the Concord Street alignment along the west and south boundaries of parcel 124-33-601-004 to comply with Municipal Code Title 16.20.040-L, which states: "Every subdivision shall have access to a street dedicated to the City for public use and such street shall be paved, stabilized, aligned in accordance with City standards."

RECOMMENDATION:

The Development Services Department recommends that VAC-18-00 be denied and that this item be forwarded to the City Council for final consideration.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff, who indicated that staff originally recommended denial of the item, however staff is now recommending approval subject to conditions, which applicant has been made aware of.

Mark Jones, 3610 N. Rancho Drive, Las Vegas, Nevada, appeared on behalf of applicant.

Chairman Nelson Stone opened the Public Hearing. No participants came forward. The Public Hearing was closed.

Commissioner Anita Wood asked Deputy Fire Chief Jim Stubler if there was a fire department issue and if it was addressed.

Deputy Chief Jim Stubler stated that Condition #2 addressed the fire department issue.

Commissioner Anita Wood MOVED and Commissioner Tom Langford SECONDED to APPROVE VAC-18-00 per staff's recommendations subject to the following conditions:

Condition #1: "The Master Plan of Streets and Highways shall be amended to add a 60 foot collector connecting Hammer Lane with Washburn Road on the south."

Condition #2: "The vacation documents shall be recorded concurrently with the dedication of the new connection between Hammer Lane and Washburn Road on an alignment which generally follows the east side of the detention basin and the 30 feet on the north side of Washburn Road to a point 100 feet west of the proposed easternmost driveway of the property to the south. From that point to Camino Al Norte the right-of-way increases to 80 feet and the northern 40 feet of Washburn Road must be dedicated."

The motion carried by UNANIMOUS vote.

12) ZN-34-00 (2823) CAMINO AL NORTE & WASHBURN (Public Hearing)

An application submitted by Tiberti/Blood on behalf of Charles Ruthe, Trustee, Ronald Ruthe, Trustee, Robert Raines, Stephen Shearing, Trustee, and Tessie Landaz, et. al., property owners, for reclassification of property from an R-E Ranch Estates District to an R-1 Single-Family Residential District. The property is generally located on the north side of the Washburn Road alignment, approximately 1,300 feet west of Camino Al Norte. The Assessor's Parcel Numbers are 124-33-601-002, 124-33-601-004, 124-33-601-006, 124-33-601-007, 124-33-601-008.

ANALYSIS:

The Comprehensive Plan shows the subject site and the surrounding area as Low Density Residential. Low Density Residential allows a density of 2 to 4.5 dwelling units per acre. The applicant is proposing to develop the property with the R-1 zoning requirements. Therefore, because the Comprehensive Plan supports single family residential developments within the area proposed for rezoning, staff recommends that the subject site be ordinance for the R-1 Single Family Residential District.

Approval of the site plan submitted with this application is not intended or implied. Items such as building elevations, perimeter landscaping, block walls, etc. are not reviewed at this time, however, the applicant would be required to comply with the Single Family Design Standards and all applicable codes and ordinances.

RECOMMENDATION:

The Development Services Department recommends that ZN-34-00 receive a favorable recommendation and that this item be forward to the City Council for permanent "hard zoning" to the R-1 Single Family Residential District by ordinance.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff, who indicated staff is recommending approval.

Mr. Jordan also stated that the applicant submitted a site plan which in no way reflects any type of consideration. The site plan was submitted as a concept only and was not required to be submitted. The only time a site plan is required is when it is a PUD. No comments were reflected in the staff report nor is this site plan relevant to the action. The property in question is supported for R-1 zoning by the Comprehensive Plan, therefore staff is recommending favorable recommendation for approval to the City Council for permanent R-1 zoning.

Mark Jones, 3610 N. Rancho Drive, Las Vegas, Nevada, appeared on behalf of applicant, who stated he concurs with staff.

Chairman Nelson Stone opened the Public Hearing. No participants came forward. The Public Hearing was closed.

Commissioner Anita Wood asked the applicant to clarify two references made in his letter of intent. First, the reference as to the property being zoned R-1 with a density of five (5) units per acre, when R-1 only allows up to 4.5 units per acre.

Mr. Jones stated that R-1 guidelines will be met.

Second, Commissioner Wood addressed the applicant's reference in his letter of intent where he states that R-1 requirements are for 6,000 square foot average lot sizes. She asked the applicant if he was aware that the actual requirements for R-1 are 6,000 square foot minimum lot sizes, not average.

Mr. Jones stated that he understands the correct requirements.

Commissioner Wood recommended that plans be in place for the abutting property prior to site plan review for this property.

Commissioner Anita Wood MOVED and Commissioner Laura Perkins SECONDED to APPROVE ZN-34-00 per staff's recommendations.

The motion carried by UNANIMOUS vote.

13) UN-68-99 (3108) ARBY'S ROAST BEEF (Public Hearing)

An application submitted by N.R.B. Partnership on behalf of Cho Young et. al., property owners, for a use permit in an R-A/CR Redevelopment Area/Commercial/Retail Subdistrict to allow a convenience food restaurant. The property is generally located at the northeast corner of Bruce Street and Lake Mead Boulevard. The Assessor's Parcel Number is 139-23-601-021.

ANALYSIS:

Arby's is defined as a "convenience food restaurant" in the Zoning Ordinance and requires a special use permit in the RA/CR zoning district. The proposal consists of 3,006 square feet of floor space and would include a drive-thru service window.

Parking requirements have been met with a total of 33 parking spaces provided.

To meet the landscaping ordinance additional landscaping adjacent to the north of the building is required. Trees must be a minimum 24 inch box. Shrubbery is to be a minimum of 30 percent coverage at maturity and groundcover coverage is a minimum of 20 percent at maturity.

The redevelopment area does specify colors to be used on the buildings. The building elevations do not state the colors to be used on the outside of the restaurant. The applicant needs to be aware that per Section 17.20.210.J 15. states " buildings shall be finished in earth tones and southwestern colors which include white and shades of white, brown, tan, pink, peach, salmon, turquoise, mauve and gray." The color of the building must comply with the code.

RECOMMENDATION:

The Development Services Department recommends approval of UN-68-99 with the following conditions and this item be forwarded to the redevelopment agency for final consideration :

1. Standard conditions 4, 6, 7, 11, and 12.
2. The colors and materials of the building shall be subject to review and approval of the redevelopment and planning staffs.
3. All roof-mounted equipment shall be screened by a parapet wall integral to the design and construction of the building from street rights-of-way and adjacent properties.
4. No exhaust vents shall be permitted to extend from the side of the building.
5. No exterior roof ladders shall be permitted. Access to the roof shall be from within the building.
6. A solid masonry trash enclosure, matching the color and materials of the building, a minimum of 6 feet in height with solid metal gates shall be provided.
7. A traffic study update by a Nevada registered engineer shall be provided.
8. Landscaping shall meet all landscaping requirements for the redevelopment area.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff, who indicated staff is recommending approval of this item.

Jerome Bartman, 9120 Eagle Ridge Drive, Las Vegas, Nevada 89134, appeared on behalf of applicant, who stated he concurs with staff.

Chairman Nelson Stone opened the Public Hearing. No participants came forward. The Public Hearing was closed.

Commissioner Laura Perkins MOVED and Commissioner Marilyn Kirkpatrick SECONDED to APPROVE UN-68-99 per staff's recommendations.

The motion carried by UNANIMOUS vote.

14) FWD-13-00 (3112) IMAGINATION NORTH

An application submitted by Greystone Homes, property owner(s), for fence wall deviations in an R-1 Single-Family Residential District to allow multiple wall height deviations where 8 feet is the maximum height allowed. The property is generally located at the northeast corner of Colton Avenue and Berg Street. The Assessor's Parcel Number is 139-12-303-002.

ANALYSIS:

The site plan identifies several lots within this subdivision which would have wall heights exceeding eight (8) feet. The proposed total wall heights would range from 8 feet to 11.3 feet. However, the Planning Commission will only be considering those portions adjacent to public right-of-way. The other portions require the adjacent property owners' signature for administrative approvals.

The portions subject to Planning Commission consideration are as follows:

- between Carla Avenue and Lot 3
- between Castanada Avenue and Lots 20, 49, 56 and 61
- between Albata Street and Lot 44
- between Colton Avenue 19, 27 and 28

There is approximately a two to three-foot grade difference in elevation on the specific lots identified on the site plan, therefore, staff recommends that the screen wall not exceed a nominal 6 feet in height from the finished grade of the property enclosed by the wall.

The applicant will be required to specify in a written letter that he owns all of the other impacted lots where height deviations are requested. These are standard procedures required to be satisfied prior to the issuance of the necessary building permit(s).

According to the Zoning Ordinance, the Planning Commission must find that the wall height deviation is necessary to protect, buffer, or improve the property for which the wall is intended and will not detrimentally affect adjacent properties.

RECOMMENDATION:

The Development Services Department recommends that FWD-13-00 be approved subject to the following conditions.

1. Standard conditions number 4 and 11.
2. That this approval be only for the lots specified below and that the screen wall shall not exceed a nominal 6 feet in height from the finished grade of the property enclosed by the wall.
3. That this approval be for the following wall sections only:
 - between Carla Avenue and Lot 3
 - between Castanada Avenue and Lots 20, 49, 56 and 61
 - between Albata Street and Lot 44
 - between Colton Avenue 19, 27 and 28
4. That the walls be sealed by an approved method to prevent the leaching or transmission of

sulfates or calcium deposits through the walls, as approved by the Building Department.

5. That sight distance visibility zones be maintained.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff, who indicated staff is recommending approval of this item.

Robert Johnson, 6685 Bermuda Road, Las Vegas, Nevada, who appeared on behalf of applicant, stated he concurs with staff's recommendations.

Commissioner Tom Langford MOVED and Commissioner Dean Leavitt SECONDED to APPROVE FWD-13-00 per staff's recommendations.

The motion carried by UNANIMOUS vote.

15) T-856 (2840) ANN & VALLEY ESTATES

An application submitted by William Lyon Homes on behalf of Ernest A. Becker, Jr., Trustee, property owner, for a tentative map review in an R-1 Single-Family Residential District. The property is generally located at the southeast corner of Ann Road and Valley Drive. The Assessor's Parcel Number is 124-31-501-001.

ANALYSIS:

The proposed tentative map appears to comply with the requirements of the single family design guidelines (subdivision design only) with the exception to a new ordinance (1435) adopted by the City Council on September 20, 2000. (The applicant filed the proposed tentative map on September 26, 2000.) The ordinance amended the single family design standards to require 10 feet of landscaping on rights-of-way less than 60 feet in width. The landscaped area is measured from the back of curb to the perimeter wall and may include the sidewalk. According to the tentative map, there are several corner lots that would require landscaping between the block walls and rights-of-way. The tentative map would need to be revised to show the appropriate amount of landscaping in these areas.

The Public Works Department has submitted a memorandum indicating that the proposed Becker Street and Valley Drive intersection is too close to the Hammer Lane and Valley Drive intersection. Therefore, the Becker Street entrance onto Valley Drive would need to be relocated, and as a result of the relocation, would cause a major revision to the proposed tentative map.

RECOMMENDATION:

The Development Services Department recommends that T-856 be continued indefinitely to allow the applicant time to submit a revised tentative map addressing the concerns outlined in the analysis section. State Statutes require the Planning Commission to act within 45 days, otherwise the tentative map would be deemed approved. Therefore, unless the applicant is willing to continue the application, the Development Services Department will have to recommend that T-856 be denied.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff, who indicated staff is recommending approval subject to 12 conditions.

Terry Connelly, 500 Pilot Road, Las Vegas, Nevada, appeared on behalf of applicant, who stated he concurs with staff's recommendations.

Commissioner Marilyn Kirkpatrick asked the applicant when will he break ground.

Mr. Connelly stated he expects to break ground in the second quarter of next year.

Chairman Nelson Stone stated that this is not a Public Hearing, however an individual has requested to speak on this item. The following participant came forward:

- Don Manning, 5222 Falling Petals Drive, North Las Vegas, Nevada.

Mr. Manning asked the Planning Commission as to future location of schools in the area.

Commissioner Kirkpatrick stated that question needs to be directed to the school board.

Commissioner Anita Wood MOVED and Commissioner Dean Leavitt SECONDED to APPROVE T-856 per staff's recommendations subject to the following conditions:

1. **Standard conditions: 1, 2, 3, 7, 11, 15, 17, 22, 26, 27, 29, 31 and 32.**
2. **The developer shall comply with the single family design standards.**
3. **Landscaping shall be provided as shown on the tentative map. In addition, the developer shall provide ten feet of landscaping, which may include the sidewalk adjacent to the corner side of all corner lots within the subdivision. The landscaping may be shown as an easement on the final map, however, maintenance of the landscaping shall be the responsibility of the homeowner's association.**
4. **Installation of fire sprinklers for fire suppression is required in each residential unit, unless the applicant provides a suitable alternative acceptable to the City prior to recording of the final map.**
5. **The applicant must submit a tentative map that includes a Benchmark Elevation and shows the dimensions of the property line boundary. The property line symbol must also be included in the legend. The scale must be such that all text is legible.**
6. **The developer must dedicate 30 feet of right-of-way for Hammer Lane.**
7. **The developer must dedicate right-of-way for a 20-foot radius spandrel at the Hammer Lane and Valley Drive intersection and a 54-foot radius spandrel at the Valley Drive and Ann Road intersection.**
8. **This site is adjacent to a Regional Flood Control (CCRFCD) District Master Plan Facility in Ann Road. The drainage study must be submitted to (CCRFCD) for concurrence.**
9. **Drop inlets and storm sewer laterals into the future Ann Road storm sewer conduit will be required per the approved technical drainage study, or as required by the Director of Public Works.**
10. **Fiber optic conduit must be installed in Valley Drive and Ann Road.**
11. **Right-of-way for a bus turn out must be provided on Ann Road east of Valley Drive.**
12. **Two copies of a revised tentative map incorporating the conditions of approval shall be submitted for review to the Public Works Department and the Planning Division prior to submittal of the final map.**

The motion carried by UNANIMOUS vote.

16) SPR-39-00 (2816) FREHNER CONSTRUCTION CO. INC.

An application submitted by Garth Frehner, Trustee, on behalf of the Garth Frehner Family Trust, property owner, for a site plan review in an M-2 General Industrial District to allow a waiver of the landscaping and block wall requirements of the Industrial Design Guidelines. The property is located at 4200 Frehner Road. The Assessor's Parcel Number is 139-01-305-001.

ANALYSIS:

The applicant is aware of the City's Code Enforcement activities at this site. Without going into the details of those actions, this site requires several approvals and improvements to be in compliance with all City codes and ordinances. This application is the first step toward the applicant's intent to bring the site into compliance.

Based on the development requirements when the existing block wall was constructed, the applicant was required to provide five feet of landscaping adjacent to public streets. Accordingly, the existing block wall was setback five feet from the Frehner Road right-of-way.

Therefore, because the block wall and setbacks were in place prior to the Industrial Design Guidelines, the landscaping is required to be installed, as well. According to Section 17.24.100 of the Zoning Ordinance, the minimum any applicant would be required to install is five feet.

With reference to the alternate screening, Section 17.24.080(I) of the Zoning Ordinance reads:

"All materials, supplies, merchandise, equipment or similar items not on display for direct sale, rental or lease to the ultimate consumer or user, shall be stored within the confines of a one hundred percent (100%) opaque wall, fence or landscaping screen not less than eight feet tall, in order to block views of said items from neighboring property and rights-of-way."

The Planning Commission has the discretion to approve alternate screening. The primary issue for the Planning Commission to consider is whether or not the proposed alternate screening satisfies the Ordinance requirement listed above. Based on the information provided, the proposed alternate screening is a chain-link fence.

In conclusion, the Development Services Department has not been presented any information that would warrant a favorable recommendation. There has not been any compelling reason or justifiable "hardship" presented that would inhibit the applicant's ability to provide the required improvements.

However, to clarify the issues of exactly what is required of the applicant to help bring this site into compliance, a recommendation of approval with conditions will be provided. Within that recommendation will be specific conditions pertaining to these issues.

It should be clear to the applicant that this approval will not apply to any other Code Enforcement activities, nor will it deem this site to be in compliance with all aspects of the North Las Vegas Municipal Code.

RECOMMENDATION:

The Development Services Department recommends that SPR-39-00 be approved subject to the following conditions:

- That five (5) feet of landscaping, in accordance with Section 17.24.100 of the Zoning Ordinance, be provided adjacent to the Frehner Road right-of-way; and
- That a solid masonry screen wall be provided adjacent to the Union Pacific Railroad and adjacent to the drainage channel. The wall shall be a minimum eight (8) feet in height; and

- That three (3) copies of the landscape and irrigation plan, prepared and stamped by a landscape architect licensed in Nevada, be submitted to the Building Permit Application Center. The plans shall be reviewed and approved by the Planning Division; and
- That this approval be only for the items mentioned herein. No other aspect of this site shall be deemed, or implied to be, in compliance with the City of North Las Vegas Municipal Code.

The application was presented by Bob Hoyes, Associate Planner, on behalf of staff, who indicated that staff is recommending approval of the item.

Joffrey Johnson, General Council for Frehner Construction Company, appeared on behalf of applicant, who stated he has no objection to landscaping.

Chairman Nelson Stone stated that this wall is necessary as the equipment can be seen by passing passenger trains.

Mr. Johnson also stated that building a new 8-foot wall would be a waste, as the wall would be shielded by the adjacent, elevated railroad.

Commissioner Tom Langford stated that he is concerned with the appearance to passengers passing through North Las Vegas on trains, and therefore believes the wall should be built.

Garth Frehner, 4040 Frehner Road, North Las Vegas, Nevada, 89030, appeared on behalf of applicant.

He states that he believes this was previously waived.

Mr. Johnson stated that he would like to continue this item indefinitely so that staff, legal and applicant could research the issue.

Commissioner Anita Wood MOVED and Commissioner Dean Leavitt SECONDED to CONTINUE INDEFINITELY SPR-39-00 per applicant's request.

The motion carried by UNANIMOUS vote.

The item is CONTINUED INDEFINITELY.

17) UN-85-00 (2841) TIMBERS (Public Hearing)

An application submitted by THG, Inc. on behalf of Ann Simmons, LLC, property owner, for a use permit in an R-E Ranch Estates District (ROI to a C-1 Neighborhood Commercial District) to allow the “on-sale” on alcoholic beverages in conjunction with a bar & grill. The property is generally located north of Ann Road approximately 292 feet east of Simmons Street. The Assessor’s Parcel Number is 124-29-803-008.

ANALYSIS:

The subject site is currently under a resolution of intent, however, the applicant is requesting permanent zoning to the C-1 Neighborhood Commercial District, which would require the applicant to comply with the Commercial Development Design Standards.

Section 17.24.200.D.7 of the Municipal Code states, “Sidewalks must be provided along any facade featuring a customer entrance which exits into a parking area or travel lane. Such sidewalks shall be located at least six feet from the building to provide planting beds for foundation landscaping”. The site plan appears to indicate that sidewalks would be provided, however, landscaping is not indicated to be proposed next to the building.

Section 17.24.200.E.2 of the Municipal code states, “Any area of a parking lot which abuts a public street shall be setback from the property line a minimum of 20 feet.” Landscaping would be required within this 20-foot setback area. The site plan indicates 10 feet of landscaping along Ann Road would be provided.

Section 17.24.200.E.4 of the Municipal Code states, “Landscaped islands shall be installed between the parking rows of every other double row of parking, and at the ends of every row. An additional six-foot wide landscaped island shall be required within each parking row for every 15 parking spaces contained within the row. The parking lot landscaping provided on the site plan does not satisfy this requirement.

Section 17.24.200.F.2.a of the Municipal Code states, “Building shall be finished in earth tone or neutral colors indigenous to the Las Vegas Valley and its surrounds”. The color of the buildings are not indicated however, brown is the color of the Timbers located in Las Vegas.

Section 17.24.200.F.2.b of the Municipal Code states, “Concrete or clay tile should be used on all sloped roofs. Architectural metal roofing may also be acceptable but should not be used as the primary material”. Building elevations indicate a patina finished metal roofing system over composition shingle roof materials is proposed.

Section 17.24.200.F.2.c of the Municipal Code states, “Stone, stucco, colored or exposed aggregate or textured finish concrete, decorative block and brick are the preferred materials for building exteriors”. Building elevations indicate a painted exterior siding material is proposed.

Section 17.24.200.G.1.a of the Municipal Code states, “Solid walls, a minimum of six feet in height, measured from the finished grade of the property enclosed by the fence or wall, shall be constructed on the property line(s) between any commercial development which abuts residential”. The property adjacent to the north of the property in question is zoned R-E Ranch Estates.

Section 17.24.200.J.7 of the Municipal Code states, “ In addition to a solid masonry wall, a landscaped buffer area with a minimum width of 20 feet shall be maintained”. The site plan indicates approximately seven feet of landscaping along the northern property line would be provided.

The site plan indicates access to the site is from Ann Road with the driveway shown as a shared drive with the undeveloped land to the east. The proposed development should have an access strictly to the property in question because it is premature at this time to know how the property to the east will be developed in the future.

The floor plan submitted appears to have three entrances into the building; the main entrance is located at the front of the building; the second entrance located by the dining area is for restaurant access and delivery; and a third entrance located by the game area could possibly be an emergency exist. The restrooms would be located by the dining area in order to avoid entering the bar area, however, the customers in the bar and lounge area would have to enter the dining area to utilize the restroom facilities.

When approving taverns, both the Planning Commission and City Council have expressed concern with the elevations of the buildings and that windows should be provided. The elevations as submitted do not comply with the Commercial Development Design Standards and do not indicate windows would be provided on any side of the bar & grill.

Numerous “on-sale” applications have been approved along Craig Road and Ann Road over the years. Neighborhood commercial areas are not intended for uses which may be incompatible with adjacent residential neighborhoods due to noise, traffic, odors, and similar nuisances. 24-hour or late night uses should be avoided where immediately adjacent to existing or planned residential development. The areas to the north and south of the site in question have been master planned for low density residential or have been partially developed with single family residences. Therefore, the special use permit for “on-sale” of alcoholic beverages for the Timbers Bar & Grill is not appropriate at this location.

In accordance with the Zoning Ordinance, the Planning Commission may, by motion, grant a special use permit if the Planning Commission finds, from the evidence presented, that all of the following facts exist:

1. That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or the community; and
2. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity; and
3. That the proposed use will comply with the regulations and conditions specified in this code for such use; and
4. That the granting of this special use permit will not adversely affect the master plan of the City.

RECOMMENDATION:

The Development Services Department recommends UN-85-00 be denied, because a bar & grill is not desirable or compatible in this area and the site does not comply with the Commercial Development Design Standards.

Prior to the Planning Commission meeting, the applicant requested the item be continued to 11/21/00.

Commissioner Laura Perkins MOVED and Commissioner Dean Leavitt SECONDED to CONTINUE UN-85-00 per the applicant's request.

The motion carried by UNANIMOUS vote.

The item is CONTINUED to 11/21/00.

18) FDP-13-00 (2842) ANN ROAD/SIMMONS STREET

An application submitted by THG, Inc. on behalf of Ann Simmons, LLC, property owner, for a final development plan review in an R-E Ranch Estates District (ROI to a C-1 Neighborhood Commercial District). The property is generally located at the northeast corner of Ann Road and Simmons Street. The Assessor's Parcel Number is 124-29-803-008.

Prior to the Planning Commission meeting, the applicant requested the item be continued to 11/21/00.

Commissioner Laura Perkins MOVED and Commissioner Dean Leavitt SECONDED to CONTINUE FDP-13-00 per the applicant's request.

The motion carried by UNANIMOUS vote.

The item is CONTINUED to 11/21/00.

19) FDP-17-99 (2722) RED ROCK COMMERCIAL CENTER

An application submitted by DePierro Realty Advisors on behalf of Home Depot USA Inc., property owner, for a Final Development Plan review in a C-2 General Commercial District. The property is generally located at the southeast corner of Martin Luther King Boulevard and Craig Road. The Assessor's Parcel Number is 139-04-701-001.

ANALYSIS:

The proposed project (Phase 3) is in substantial compliance with the C-2 zoning district development and design guidelines and is located within a larger commercial and retail center, the Red Rock Regional Center. The proposed building type and use are similar to other developments in the vicinity and the site is provided with adequate screening and landscaping.

The elevations provided identify the use of awnings, of which the material is not specified. The applicant has indicated to staff that he would like the Planning Commission to make the final determination as to which awning material(s) and color(s) may be used. The applicant does not have a preference.

Mr. Joe Felix, representative of the 99-cent Only Store (one of the potential suite occupants) has submitted three different material types for the awnings. From this point forward, Sample #1 shall be known as the material manufactured by Sunbrella; Sample #2 shall be known as the material manufactured by Weblon, Incorporated; and Sample #3 shall be known as the material manufactured by Cooley Group Holdings, Incorporated. (Please refer to the "Awning Material Sample Board", which will be displayed at the Planning Commission meeting.)

Since the owner and developer does not have a preference, the Development Services Department recommends that the Planning Commission approve Sample #1 (manufactured by Sunbrella) because it is more consistent with the intent of the Commercial Design Standards and because it has proven to be an attractive, non-reflective, sturdy and quality awning material for the North Mesa Plaza, which is adjacent to the west of this site.

The Planning Commission is also requested to select an awning color(s). Originally, Mr. Felix had asked staff to provide a favorable recommendation for a bright magenta color to be approved as the awning color (Sample #4), but the Development Services Department informed him that his color choice would not receive a favorable recommendation.

Mr. Felix then provided staff with the three blue-colored materials. The Development Services Department agrees that blue would be an acceptable accent color, but the material must not have the ability to be back-lit. This effectively eliminated Sample #3 since it would not be in compliance with condition #19 of the Resolution of Intent.

Condition #19 of Resolution of Intent #2009 (ZN-09-98) reads:

19. Building elevations, colors and materials shall be subject to review and approval by the Planning Commission and shall incorporate the following:
 - A. Architectural relief shall be included on all faces of the building in the form of columns, tile

bands and decorative roofs. Exterior wall surfaces shall have a texture similar to stucco.

- B. No more than 15% of the front building face shall be plastic or similar material. No plastic or similar material shall be used on the sides or rear of the building.**

- C. All roof mounted equipment shall be screened by a parapet wall integral to the design and construction of the building from street rights-of-way and adjacent properties.

- D. No exhaust vents shall be permitted to extend from the side of the building.

- E. No exterior roof ladders shall be permitted. Access to the roof shall be from within the building.

- F. Awning materials and colors shall be subject to review and approval by the Planning Commission. No back-lit awnings shall be permitted.**

- G. The shopping center and all pad development shall use similar architectural style, materials and colors.

Also related to colors is the request of the applicant to amend the approved color board. The approved color board includes:

- I.C.I. Paint Co., #170, "Sky Rocket Red"
- I.C.I. Paint Co., #10RB 13/311, "Clematis Vine"
- I.C.I. Paint Co., #10YY23/184, "Canvasback"
- I.C.I. Paint Co., #10YY53/132, "Beige"
- I.C.I. Paint Co., "Sierra Tan"
- I.C.I. Paint Co., "Taos Teal"
- Benjamin Moore #951
- Benjamin Moore #1032

The applicant would like to amend the approved colors to be:

- Benjamin Moore #1032
- Benjamin Moore #951
- #SW2061 Nightingale
- #461 Wright Stone
- #AC118R Red Alert LRV13
- #305 Cottage Chocolate
- #SW2269 Domicile Blue
- #SW2307 Red Barn
- Blue - as approved by the Planning Commission
- #AC1094N Holiday Green LRV9

All of the proposed locations of said colors are outlined in the attached copy of the "Red Rock Commercial Center Proposed (Color) Scheme." Unfortunately the colors could not be duplicated for this report, but will be presented at the Planning Commission meeting.

The Development Services Department does not object to the proposed colors, as presented by the applicant / owner. The colors, amounts and locations are all discretionary items for the Planning Commission to consider with this final development plan. The Planning Commission has the discretion to approve or amend the proposed color scheme.

Summarizing, the Planning Commission is requested to approve an amendment to the approved final development plan for this location. There are three primary issues: (1) which material may be used for awnings; (2) what color(s) may be used for awnings; and (3) whether or not the proposed color board is appropriate for this development.

Based on the information provided, the Development Services Department recommends that this application be approved with conditions, as outlined below.

RECOMMENDATION:

The Development Services Department recommends that FDP-17-99 be approved subject to the following conditions:

1. That the development be subject to all applicable conditions stated in Resolution of Intent #2009 (ZN-09-98), FDP-05-98 and AMP-05-98. If there is a conflict in approved conditions, the more restrictive shall apply; and
2. That the color scheme for Phase 3 (as outlined above) be approved in accordance with the details provided on the attached "Red Rock Commercial Center Proposed Scheme." The approved colors shall be:

Benjamin Moore #1032
Benjamin Moore #951
#SW2061 Nightingale
#461 Wright Stone
#AC118R Red Alert LRV13
#305 Cottage Chocolate
#SW2269 Domicile Blue
#SW2307 Red Barn
Blue - as approved by the Planning Commission
#AC1094N Holiday Green LRV9; and

3. That the approved awning material be manufactured by Sunbrella. A sample of the approved material is on the attached "Red Rock Regional Commercial Center Awning Material Sample Board"; and
4. That all blue awning materials match or closely resemble the color sample provided on the attached "Red Rock Regional Commercial Center Awning Material Sample Board"; and
5. That the development of Phase 3 be in substantial compliance with the submitted elevation drawings.

The application was presented by Bob Hoyes, Associate Planner, on behalf of staff.

Bob Eubanks, 2222 E. Camelback Road, Phoenix, Arizona 85016, appeared on behalf of applicant. He discussed the different colors.

Joe Felix, of 99 Cents Stores, 1855 Diamond Street, San Diego, California, 92109, appeared on behalf of applicant, who stated that blue is not their typical awning color, however they are willing to accept blue as their color. He stated that they are in favor of using a blue, vinyl opaque instead of a blue sunbrella. He is also concerned about maintenance of a sunbrella material as it is more of a cloth material, which requires more ongoing maintenance, whereas the vinyl opaque can be hosed down easily, and lasts longer.

Vice-Chairman Tom Langford opened the Public Hearing. No participants came forward. The Public Hearing was closed.

Commissioner Anita Wood stated she was concerned about vinyl in Las Vegas due to the extreme heat.

Mr. Felix stated that he has two (2) stores in Las Vegas with vinyl awnings.

Commissioner Marilyn Kirkpatrick MOVED and Commissioner Laura Perkins SECONDED to APPROVE FDP-17-99 per staff's recommendations.

The motion carried by UNANIMOUS vote with Chairman Nelson Stone abstaining.

20) UN-94-97 (2415) FORT LAS VEGAS (Public Hearing)

An application submitted by Boyd & Patricia Bulloch, property owners, for an amendment to a previously approved use permit allowing a casino in a C-2 General Commercial District. The property is located at 2428 E. Cheyenne Avenue. The Assessor's Parcel Number is 139-11-816-020.

ANALYSIS:

According to the Application, the applicant has indicated it does not anticipate any expansion of the originally approved 4,281 square foot casino footprint or use beyond what presently exists. The site plan submitted with the approved use permit in 1997 showed tenant improvements for a casino of 4,281 square feet. The site plan submitted with this Application shows a 6,680 square foot casino.

In addition, the applicant has requested the elimination of the 100-room hotel requirement. Title 5 of the Municipal Code has since been amended which now requires a minimum 200-room hotel. However, the applicant's status has always been under the old requirements in which a 100-room hotel was required.

The applicant has stated it does not anticipate any present expansion other than what was shown on the previous plan (UN-20-94) which did contemplate an expansion. However, the original use permit UN-20-94 expired in 1999 so an expansion would no longer be possible without approval of a new or amended use permit. In addition, the existing footprint of the casino is larger than the footprint approved in 1997. Therefore, an expansion has taken place without the approval of an amended use permit.

According to Title 17, to determine the amount of parking spaces required for a casino the gross floor area of the facility is calculated. The calculation is based on the exterior dimensions of the building, structure or use. According to the floor plan, expansion of the casino within the existing building appears to be toward the east which consists of office and service areas and to the north which consists of a pool room. All these areas are considered to be part of the casino and should have had Planning Commission and Redevelopment Agency review and approval.

The site plan as shown should accommodate enough parking for the casino at 6,680 square feet, as well as the commercial shopping center and any future development of the undeveloped pads within the shopping center. The parking requirements for the casino as shown would be for 134 parking spaces. For the existing shopping center including the unoccupied area of the building (if utilized as retail), the parking requirements would be 363 parking spaces. For the undeveloped pads, it is estimated that an additional 188 parking spaces would be required. Therefore, the total parking required for all uses would be 685 parking spaces. The site plan shows that 804 parking spaces are provided, an excess of 119 parking spaces. Some of this excess parking could be removed to allow for additional landscaping throughout the parking lot similar to that required with approval of UN-94-97. However, it should be mentioned, that any future proposed non-gaming expansion to the casino or any additional use would need to be evaluated for such parking requirements either through an amended use permit or a new use permit.

RECOMMENDATION:

The Development Services Department recommends that the Planning Commission recommend approval to the Redevelopment Agency with the following conditions:

1. Standard conditions: 4, 6, 10, 11 and 12.
2. That the applicant shall comply with all applicable conditions of the original approval of UN-94-97 and should there be a conflict of conditions, the most restrictive shall apply.
3. Additional landscaping shall be provided throughout the entire parking lot within six months from the date of approval. Six foot wide landscaped islands shall be provided at the end of all parking rows and for every 15 parking spaces contained in a row.
4. Non-gaming expansion of the applicant's 6,680 square foot use is permitted only upon the review and approval of an appropriate application for such expansion by the North Las Vegas Planning Commission and the North Las Redevelopment Agency.

Gaming is limited to the 4,050 square foot area where gaming is approved in conjunction with this amended use permit (the "Gaming Area"). The Gaming Area is defined as that area labeled "Casino/Bar 4,050 SF," depicted on the Existing Overall Building Plan provided to the City of North Las Vegas by the applicant and made a part of the record herein. There shall be no expansion of the Gaming Area under any circumstance.
5. The applicant's gaming use is limited to slot machines only, and the applicant shall not operate any number of slot machines in excess of the number of slot machines reported to the City of North Las Vegas Business License Division by the applicant as a part of the applicant's June 30, 2000 gaming license fee renewal.
6. A traffic study update is required within six months from the date of approval.
7. All conditions of the approved traffic study must be met within six months from the date of approval.
8. The existing pan driveways unto the property from Cheyenne Avenue must be replaced with the approved standard driveways within six months from the date of approval. See the Uniform Standard Drawings for Public Works Construction Off-Site Improvements, Drawing Number 222A.
9. The applicant shall provide for Commission review and approval, a joint access agreement and parking space reservations which assures the tenants and the property owners access to and use of the common parking area within six months from the date of approval.
10. Cross access agreements must be submitted and recorded for driveways which straddle property lines within six months from the date of approval.
11. City Council adoption or amendment of ordinances authorizing requested use(s) without hotel requirements.
12. All facilities shall comply with all Building and Fire Department codes and other applicable ordinances.

Prior to the Planning Commission meeting, the applicant requested the item be continued indefinitely.

Commissioner Laura Perkins MOVED and Commissioner Dean Leavitt SECONDED to CONTINUE UN-94-97 per applicant's request.

The item is CONTINUED INDEFINITELY.

21) UN-72-00 (2378) STORAGE WEST (Public Hearing)

An application submitted by LAACO, Ltd. on behalf of Tom Julian, property owner, for a use permit in a C-2 General Commercial District to allow a mini-storage facility with a caretaker's apartment. The property is generally located at the northwest corner of Craig Road and Coleman Street. The Assessor's Parcel Numbers are 139-05-601-015 and 139-05-601-019.

ANALYSIS:

The elevation drawings identify a 27-foot tall office/caretaker's building with stucco and mission tile roofing materials.

The site plan shows two curb-cuts on Craig Road. One of the curb-cuts would be a future shared access drive with the vacant site immediately east of the office/caretaker's facility. However, the site plan identifies an emergency access from that shared drive, so the driveway up to the emergency access gates would need to be constructed with this project. In the letter of intent, the applicant indicates that the proposed use would generate approximately 50 vehicle trips per day, or 4 trips per hour.

In the letter of intent, the applicant states, "It is anticipated that there will be four to six outside parking places for boat and RV storage." Although those spaces are not indicated on the plans, they could be approved with this application and subject to review and approval by the Traffic and Planning Divisions. The applicant should be aware that if carport structures are proposed, they are required to match the main building in design, color(s) and materials.

The Commercial Design Standards require 20 feet of landscaping in areas adjacent to residential uses. In this case, that requirement would apply to the northern 300 feet of the east property line. The applicant informed staff that he has met with those abutting property owners and that they would be agreeable to a 10-foot landscape buffer if the trees were planted 10 feet on-center. Within the required 20-foot landscape buffer, trees are typically planted 20 feet on-center, so this compromise effort, as part of this application, is presented to the Planning Commission for consideration.

RECOMMENDATION:

The Development Services Department recommends that UN-72-00 be approved subject to the following conditions:

1. That Standard Conditions 1, 2, 3, 4, 7, 8, 10, 11, 12, 15, 26 and 27 apply; and
2. That the owner provide fiber optic conduit along Craig Road; and
3. That an administrative consolidation of both lots into one lot be provided prior to the issuance of any construction permits; and
4. That all driveways be commercial driveways; and

5. That a shared access agreement for the east driveway on Craig Road be provided; and
6. That the shared access driveway be constructed from Craig Road to the emergency access gates, as identified on the site plan; and
7. That dedication of 30 feet of right-of-way on Craig Road and 25 ½ feet on Whitney Peak Way be provided; and
8. That ten (10) feet of landscaping be provided on-site adjacent to the northern 300 feet of the east property line. In addition to other required planting materials, 24" box trees (1-1/2" caliper measured 4'-6" above the top of the root ball) shall be planted 10 feet on-center throughout this landscaping area; and
9. That all buildings, other than the office/caretaker's residence, be constructed with split-face CMU blocks. Some form of architectural feature (eg. fluted block columns or bands, different colored split-face blocks, slump-stone pilasters, etc.) shall be incorporated into the outside-facing walls and shall be subject to review and approval by the Planning Division prior to the issuance of any building permits. Smooth-face blocks shall not be used as the primary building material; and
10. That a monument sign be incorporated into the landscaped area adjacent to the Craig Road right-of-way. The sign shall have a housing element designed to match the caretaker's residence in material, design and colors. The sign shall meet all City of North Las Vegas size and location requirements; and
11. That landscape, building and drive aisle maintenance be prohibited between the hours of 8:00 p.m. and 7:00 a.m.
12. That, unless specifically mentioned herein, this site be developed in accordance with the Commercial Development Standards and Design Guidelines.

The application was presented by Bob Hoyes, Associate Planner, on behalf of staff, who stated staff is recommending approval subject to conditions.

Mr. Hoyes stated a letter of opposition had been received from Thomas E. Winter, which Mr. Hoyes read into the record and is on file.

Paul King, 2756 N. Green Valley Parkway Suite 423, Henderson, Nevada, 89014, appeared on behalf of applicant who stated he concurs with staff's recommendations with the exception of Condition #10.

Marc Jordan, Senior Planner, on behalf of staff, stated this is a discretionary item.

Tom Bell, Director of Development Services, also stated this is a discretionary item, however he recommended it remain a monument sign so that it does not interrupt the neighborhood.

Chairman Nelson Stone opened the Public Hearing. No participants came forward. The Public Hearing was closed.

Commissioner Marilyn Kirkpatrick stated she believes there are too many mini-storages in the area. She asked if a decorative wall could be placed so that residents would not be impacted.

Commissioner Tom Langford stated he, too, is concerned about having two mini storage businesses back-

to-back in this area.

Commissioner Kirkpatrick stated that the applicant originally asked for a C-2 zoning, which is more intense than a C-1. She understands that if the Planning Commission does not approve the mini storage much larger business may end up on the property, which the residents are opposed to. She suggests a dividing wall so as to have the least amount of impact on the residents.

Commissioner Anita Wood stated that she agrees with Commissioner Kirkpatrick, as well as Commissioner Langford. She understands that good commercial ventures are necessary, however is concerned about a business failing. She is concerned as there is another mini-storage 660 feet away, as well as a U-haul right down the street. Commissioner Wood stated there is a mini-storage next door which is close to or at 100% occupancy, and the U-haul has not opened yet. She is concerned about approving this new mini-storage with this much competition and of the possibility of an insufficient amount of business causing one of these mini-storage businesses to fail, creating a blight challenge on Craig Road.

Mr. King replied that the U-haul facility are primarily in the transportation business. U-haul built a storage facility as it is easier for people who rent trucks to do so from the same facility that has storage space. Mr. King's business does not rent trucks. He stated that U-haul only has limited sizes of spaces; 5x5s, 5x10s, a couple of 5x15s and 10x15s. There are many sizes of storage spaces U-haul does not offer due to the way their building is designed. All of U-hauls spaces are accessed internally, where his business' spaces are accessed externally.

Commissioner Wood stated that she understands that this business may very well be able to compete with U-haul, however she is concerned about whether there is enough business to take care of competition between this business and the other mini-storage businesses in the area.

Mr. King stated that his market research showed that within a three mile radius there are 8,400 apartments and homes that are under construction or due to start construction soon. He sees these future residents as potential customers. He also stated this business would not be opened for at least a year. Mr. King believes by the time this business opens, there will be much more demand for storage space in this area.

Commissioner Wood stated by putting a mini-storage right next to another one may cause one or the other business to fail, which still leaves the City with a problem. She further stated that the Planning Commission needs to decide if this business is desirable, as well as necessary.

Chairman Nelson Stone stated he has tried to rent storage space and has had difficulty, causing him to go as far as Green Valley to locate a specific size storage space. He further stated that he's not sure how the Planning Commission evaluates whether or not a business will be a success without a marketing study, as well as there is always a certain degree of uncertainty with any commercial application as to its ability to succeed or fail.

Commissioner Wood agreed with Chairman Stone, however stated that the Planning Commission does not usually approve one business next to another of the same type.

Chairman Stone said the Commission occasionally approves convenience stores close to each other.

Commissioner Wood agreed, however stated that even convenience stores are not approved next to each other, in which Chairman Stone concurred.

Mr. King stated that there are two convenience stores on the corner of Simmons and Craig. He stated that there are only certain places you can put these businesses. Mr. King referred to the Las Vegas Strip as there are over 50 casinos all lined up next to each other.

Chairman Nelson Stone stated that the discussion is getting away from the issue and wanted to remain on topic.

Commissioner Marilyn Kirkpatrick MOVED and Commissioner Dean Leavitt SECONDED to APPROVE UN-72-00 per staff's recommendations subject to the following condition:

Condition #13 Added to Read: "That 20 feet of landscaping and a 6-foot solid masonry decorative screen wall be provided along the applicable frontages of Ozark Way and Coleman Street so as not to interfere with the clear sight visibility zone at Craig Road."

The motion to APPROVE failed. Commissioners, Laura Perkins, Anita Wood, and Tom Langford voted against the motion.

Commissioner Laura Perkins MOVED and Commissioner Anita Wood SECONDED to DENY UN-72-00 as the proposed use at this particular location is not necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood and the community.

The motion to DENY carried by MAJORITY vote. Commissioner Marilyn Kirkpatrick and Chairman Nelson Stone voted against the motion.

22) SPR-35-00 (2404) NORTHERN VISTAS

An application submitted by Acclaim Engineering Group Inc. on behalf of Northern Vistas LLC, property owner for a site plan review in a C-1 Neighborhood Commercial District. The Assessor's Parcel Number is 139-05-301-004.

This item was continued from two previous Planning Commission meetings (9/27/00 and 10/25/00) at the request of the applicant. Staff has met with the applicant and the applicant has revised the site plan to address concerns previously raised by staff.

The revised site plan is in substantial compliance with the Zoning Ordinance and the Commercial Design Standards with the following exceptions, to which the applicant is requesting waivers:

1. The site plan identifies 15 feet of landscaping adjacent to the southern property line, where a minimum of 20 feet is required; and
2. The perimeter landscaping adjacent to the southern portion of the Ferrell Street right-of-way is proposed to be 10 feet in width, rather than the required 20 feet; and
3. The proposed buildings nearest to the Craig Road and Ferrell Street rights-of-way are not oriented toward the street with parking on the interior of the parcel.

The applicant, in the attached revised letter of intent, clearly explains why they are requesting each of the three waivers.

The Development Services Department supports the applicant's request #3, as listed above. However, the Development Services Department does not support the other two requests because there have not been any "hardships" identified which could provide compelling reasons for staff to support the requested waivers. It should be noted that all three of the requests are discretionary and the Planning Commission may grant, amend or deny any or all of the waiver requests.

The Development Services Department does support the waiver to orienting the buildings at the corner and front of the site with the parking areas located within the interior portions of the parcel because of the below-grade drainage facility located along the Craig Road frontage. The structural integrity of the drainage facility could be substantially jeopardized if buildings are built near or on top of the facility.

RECOMMENDATION:

The Development Services Department recommends approval of SPR-35-00 subject to the following conditions:

1. That Standard Conditions 4, 8, 11, 22 and 27 apply; and
2. That all applicable conditions of T-827 and ZN-22-96 apply; and

3. That landscaping be provided in accordance with Ordinance requirements, unless otherwise amended herein; and
4. That the developer dedicate the following areas:
 - a. Ferrell Street 30 feet
 - b. Craig and Ferrell 25-foot spandrel; and
5. That a commercial subdivision map with CC&R's be required; and
6. That easements for commercial driveways and RPPA's be provided; and
7. That, due to the proximity of the underlying drainage conduit, the planting of trees within the 30-foot-wide drainage facility right-of-way be prohibited. This area shall be provided with a three-foot berm and low-growing shrubs, as identified ; and
8. That the applicant provide fiber optic conduit on Craig Road; and
9. That the southern driveway on Ferrell Street be a minimum of 32 feet wide to comply with adopted standards; and
10. That the driveway accessing Craig Road be restricted to right-in, right-out movements only, except at median openings; and
11. That an encroachment permit be obtained by the applicant for the area over the channel prior to issuance of any construction or grading permits; and
12. That this development comply with the Commercial Design Standards, with the exception of the following:
 - a. That the buildings may be oriented toward the interior of the site with parking areas located between the buildings and the perimeter landscape areas.

If the Planning Commission determines, from the evidence presented, that the other two waiver requests are warranted, then the Development Services Department recommends that the following be added to condition #12:

- b. That a minimum of 10 feet of perimeter landscaping be provided for all applicable Ferrell Street right-of-way frontage within 370 feet of the southern property line, or as identified on the submitted (ie. "Revised") site plan; and
- c. That a minimum of 15 feet of landscaping be provided adjacent to the southern property line. 24-inch (box) oak and pine trees shall be provided and spaced not greater than 20 feet on-centers; and
- d. That the landscape plan shall be in substantial compliance with the plan submitted with this application.

The application was presented by Bob Hoyes, Associate Planner, on behalf of staff, who indicated staff is recommending approval.

Gary Busby, 6830 S. Escondido Suite B, Las Vegas, Nevada, 89119, appeared on behalf of applicant who stated he has complied with conditions with two (2) exceptions. The first one is to orient these two buildings, instead of putting the buildings adjacent to Craig Road because of the existing culvert that are there it was a better site plan to get it away from the existing easement and move them back with the parking in here (pointing to the overhead display). The second waiver he is requesting is for landscaping on Farrell. The residential to the south has zero landscaping and they have transitioned from zero to ten (10) feet to twenty (20) feet as they get closer to Craig Road and he feels that is a pretty good representation of or intent of the ordinance. The last waiver he is requesting is for fifteen (15) feet of landscaping on the south against the residential with enhanced trees at eighteen (18) foot to twenty (20) foot on center. He stated that is because with the limitations of the site plan we can't get it to work without it.

Mr. Busby asked the Commission for clarification of one of the conditions pertaining to fire sprinklers.

Chief Jim Stubler explained that the condition is part of the zone change and at that time there were concerns with emergency services delivery to that area and there were no opposition to the condition at that time.

Chairman Nelson Stone stated that life safety issues are of utmost importance and those conditions cannot be waived.

Chief Stubler stated that at that time fire sprinklers were required.

Mr. Busby concurred that is something he could work with.

Commissioner Laura Perkins MOVED and Vice-Chairman Tom Langford SECONDED to APPROVE SPR-35-00 per staff's recommendations on conditions 1 through 12A, not inclusive of condition 12B, 12C, and 12D.

The motion carried by UNANIMOUS vote.

23) T-855 (2547) GLENEAGLES (REVISED T-777)

An application submitted by Wexford Homes, property owner, for a tentative map review in a PUD Planned Unit Development District. The property is generally located at the southwest corner of Alexander Road and Commerce Street. The Assessor's Parcel Numbers are 139-10-101-014 through 139-10-101-016, 139-10-113-001 through 139-10-113-006, 139-10-113-009 through 139-10-113-001, 139-10-114-001, 139-10-114-002, 139-10-115-001 through 139-10-115-056, 139-10-213-001 through 139-10-213-008, 139-10-212-001 through 139-10-212-072 and 139-10-212-081 through 139-10-212-100.

ANALYSIS:

The proposed tentative map is consistent with the existing (and proposed) zoning for this site. Due to engineering constraints of incorporating the drainage channel as usable open space, the tentative map has been revised. With this application, the applicant is proposing a total of 2.89 total acres for open space, where a minimum 2.78 acres are required.

All of the lots within the northern section would still have minimum lot sizes of 6,000 square feet. With the exception of the eight lots approved to be less than 4,500 square feet, all of the single-family lots within the southern section will be developed in accordance with the R-CL development standards. These facts will remain effective with the proposed new tentative map.

Instead of the previously approved 126 single-family lots (6,000-square-foot minimum lot size) for the northern section, this map proposes 124. The drainage channel had contained approximately 1.75 acres of open space. By eliminating that area and adding the two lots, the subdivision now identifies 2.89 acres of open space. The design specifics pertaining to the open space are addressed in the Staff Report for FDP-10-00, which is on this Planning Commission agenda.

The significant issues for the Planning Commission to consider with this application:

13. Whether or not the proposed acreage is in compliance with the zoning requirements for this development; and
14. Whether or not the proposed locations of the open space are appropriate.

RECOMMENDATION:

The Development Services Department recommends approval of T-855 subject to the following conditions:

1. That this approval be subject to all applicable conditions of T-777 and Resolution of Intent #2029 (ZN-13-98); and
2. That the developer continue the bicycle route on Alexander Road, instead of providing a bicycle path through the Gleneagles subdivision; and

3. That the six-foot perimeter landscaping areas adjacent to Commerce Street and Alexander Road be identified as "Common Lots", not easements.

The application was presented by Bob Hoyes, Associate Planner, on behalf of staff, who stated staff has not received any information on this item.

Paul Light, with Wexford Homes, 2260 Hartford Circle, Henderson, Nevada, appeared on behalf of applicant.

Ron Jackson, Southwest Engineering, 3610 N. Rancho Drive, Las Vegas, Nevada also appeared on behalf of applicant.

Commissioner Anita Wood stated that the problem is that the updated information was submitted too late to be included in the Planning Commissioners' packets.

Commissioner Anita Wood MOVED and Commissioner Tom Langford SECONDED to CONTINUE T-855 to 12/13/00 per staff's recommendations.

The motion carried by MAJORITY vote, with Chairman Nelson Stone voting against the item.

The item is CONTINUED to 12/13/00.

24) FDP-10-00 (2291) GLENEAGLES

An application submitted by Wexford Homes, property owner, for a Final Development Plan for a park in a PUD Planned Unit Development District. The property is generally located at the southwest corner of Alexander Road and Commerce Street. The Assessor's Parcel Numbers are 139-10-101-014, 139-10-101-015, 139-10-201-009, 139-10-201-010.

ANALYSIS:

Condition # 9 of Resolution of Intent #2029 reads: "That the final development plan for the site shall be subject to Planning Commission review and approval."

Condition #25 reads:

"A final development plan incorporating these conditions of approval shall be submitted for review and approval by the Planning Commission. The final development plan shall include revised site plans, complete elevations for all buildings, open space improvement plans, wall details and a color sample board."

Under normal circumstances, a final development plan would not be required for a residential development such as this. However, because of the conditions outlined in the Resolution of Intent, this portion of the final development plan is before the Planning Commission for consideration.

It should be noted that color sample boards and final development plans will still be required for the multi-family and industrial portions of Gleneagles. This final development plan is simply for the parks and open space.

Based on the previously approved standard for open space (7% of the southern 39.75 acres), a minimum of 2.78 acres are required for this planned unit development. The revised plan identifies 2.89 total acres for open space.

The submitted final development plan identifies eight (8) covered benches with trash receptacles dispersed throughout the open space areas. Adjacent to two of the covered benches are bar-b-ques. All of the open space areas are interconnected by a five-foot-wide concrete sidewalk, which crosses the drainage channel at one point. (The width of the sidewalk within the drainage channel is four feet.) One large tot play structure, one small tot play structure and one "double arch swing" are proposed in separate areas. Elevation drawings of the proposed equipment are attached to this report.

Since the channel improvement plans identify nine-inch boulder rip-rap, it is recommended that a barrier (eg. railing, wall, etc.) be provided between the sidewalk and the channel to prevent people from falling into the channel. It is also recommended that lighting be provided along the footpath. These two recommendations are specifically for safety purposes.

From an aesthetic perspective, it is recommended that trees be provided within the drainage channel

adjacent to the footpath.

Depending on the Planning Commission's decision pertaining to T-855 earlier on this agenda, this proposal may or may not require changes. If changes are required, it is recommended that this item be continued to allow the applicant time to make such changes.

RECOMMENDATION:

The Development Services Department recommends approval of FDP-10-00 subject to the following conditions:

1. That the applicant comply with all applicable conditions of Resolution of Intent #2029 (ZN-13-98) and T-855; and
2. That all improvement plans, including but not limited to the landscape and irrigation plans, be reviewed and approved by the Department of Parks and Recreation prior to the issuance of any construction permits; and
3. That a minimum eight (8) covered benches with trash receptacles be dispersed throughout the open space areas. Adjacent to at least two of the covered benches shall be bar-b-ques. All of the open space areas shall be interconnected by a five-foot-wide concrete sidewalk, which shall cross the drainage channel, as identified on the site plan. The width of the sidewalk within the drainage channel shall be a minimum four feet and shall comply with the Americans with Disabilities Act. A minimum one large tot play structure, one small tot play structure and one "double arch swing" shall be provided in separate areas, as identified on the submitted plan; and
4. That lighting be provided for all open space areas, specifically along the walking paths. The lighting shall be provided from an independent gas or electrical meter and shall be operated and maintained by the homeowners' association. A photometric lighting plan shall be submitted to planning staff for review and approval prior to the issuance of any construction permits. The plan shall be prepared by a licensed electrical engineer and shall show the light intensity in foot-candles on a 10-foot grid and the location of proposed structures, parking areas, drive aisles and pedestrian walkways. The minimum light intensity for all vehicles and pedestrian traffic areas shall average 1.0 foot-candles maintained with a maximum ratio of 10:1. Lighting shall have sharp cut-off at residential property lines and shall not exceed 0.5 foot-candles within 10 feet of the property lines. All lighting shall be installed prior to the release of any bonds or the issuance of any certificates of occupancy. Light standards shall not exceed 15 feet in height; and
5. That a physical barrier (eg. railing, wall, etc.) be provided between the walking path and the drainage channel. The physical barrier shall be subject to review and approval by the Departments of Parks and Recreation, Public Works, Building and Safety, and Development Services prior to the issuance of any construction permits; and
6. That trees be provided within the drainage channel adjacent to lots 21 through 27; and
7. That the placement of all trees within the drainage channel be approved by and coordinated with the CNLV Development & Flood Control and Planning Divisions; and
8. That final development plans for the multi-family and industrial uses be reviewed and approved by the Planning Commission prior to the issuance of associated building permits. These final

PUBLIC FORUM

This is the portion of the meeting devoted to the public. After completing and submitting a blue card, the public is invited to come forward upon recognition by the Chairman and speak upon any topic. Usually items received under this heading are referred to the appropriate City staff for action at a later date.

No members of the public came forward.

DIRECTOR'S BUSINESS:

Consideration of forgoing Planning Commission Meeting on 12/27/00. Commissioner Tom Langford MOVED and Commissioner Dean Leavitt SECONDED to CANCEL the Planning Commission Meeting of 12/27/00.

CHAIRMAN BUSINESS:

Chairman Nelson Stone is requesting to see a school district map the Planning Commission is expecting to receive from the school district.

Commissioner Dean Leavitt requests a copy of a cell site map.

ADJOURNMENT:

10:50 P.M.

A motion to ADJOURN the November 8, 2000 meeting of the Planning Commission of the City of North Las Vegas was made by Commissioner Nelson Stone. Commissioner Anita Wood SECONDED the motion.

Nelson Stone, Chairman

ATTEST:

Ted Karant, Recording Secretary